



City of Concord

City Council

Meeting Minutes

Monday, March 13, 2023

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

*Non-meeting with legal counsel in accordance with RSA 91-A:2, I (b)
to be held at 6:15 p.m.*

1. Call to Order.

Action: Mayor Bouley called the meeting to order at 7:00PM.

2. Invocation by Father David Wong, Immaculate Conception Church.

3. Pledge of Allegiance.

4. Roll Call.

Present: 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

Excused: 1 - Councilor Paula McLaughlin

5. Approval of the Meeting Minutes.

February 13, 2023 City Council Draft Meeting Minutes.

Action: Councilor Nyhan moved approval of the February 13, 2023 City Council Meeting Minutes. Councilor Brown moved to amend item number 17 from the February minutes to read as follows:

"Councilor Brown referenced the vendor CircaWorks, who she contacted, which is utilized by Human Resources to achieve the aforementioned goals as mentioned on page 13 of the report. Councilor Brown described learning more about CircaWorks, which was funded last budget cycle for Human Resources' recruitment process, and suggested councilors could use the free webinars to diversify Concord boards, committees and commissions. Councilor Brown pointed out that diverse representation would make our city even better and related this to lights at Keach Park.

Councilor Brown moved to form an ad-hoc committee of councilors and community members to conduct outreach and diversify City boards, committees, and commissions.

Human Resources and Labor Relations Director Johnston spoke to clarify information about CircaWorks and described the detailed monthly report from CircaWorks and geographical locations, explaining that CircaWorks does not limit job postings to within the City of Concord.

The motion was duly seconded, and failed on a voice vote. Councilors Champlin and Fennessy stated support for a committee on diversity, but preferred to wait for the Mayor's upcoming diversity, equity and inclusion proposal. Councilor Grady-Sexton confirmed with the Mayor that his proposal would be available next month, which he stated would be more comprehensive.

City Manager Aspell reminded members of Council about the non-interference of Council with management prerogatives per Council Rules and the City Charter. Councilor Kretovic moved approve the Quarterly Status Report. Councilor Rice-Hawkins called for a roll-call vote. The motion was duly seconded, and passed with no dissenting votes."

Councilor Brown's proposed amendment was duly seconded, and failed.

Councilor Nyhan's motion to approve the February 13, 2023 meeting minutes, as is, was duly seconded and passed with one dissenting vote.

6. Agenda overview by the Mayor.

****Consent Agenda Items****

Action: Councilor Kretovic moved approval of the consent agenda. The motion was duly seconded and passed with no dissenting votes.

Items Tabled for April 10, 2023 Public Hearings

7. Report from the General Services Director regarding the City's Solid Waste and Recycling Collection, recommending the gradual transition from manual collection to automated collection. (Supplement report submitted.) (Report from the Solid Waste Advisory Committee submitted.)

Action: This report was moved to set for a public hearing. Mayor Bouley recused.

8. Resolution authorizing the City Manager to enter into a contract for the disposal of the City's Solid Waste; together with a report from the General Services Director. (Report from the Solid Waste Advisory Committee submitted.)

Action: This resolution was moved to set for a public hearing. Mayor Bouley recused.

9. Ordinance amending the Code of Ordinances Title I, General Code; Chapter 5, Public Works, Article 5-7, Solid Waste and Article 5-8, Solid Waste Flow Control; together with a report from the General Services Director. (Report from the Solid Waste Advisory Committee submitted.)

Action: This ordinance was moved to set for a public hearing. Mayor Bouley recused.

10. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Compensation Plan, to establish the following positions: Assistant Community Development Director, Director of Special Projects and Strategic Initiatives, and Permitting System Coordinator; together with a report from the Deputy City Manager - Development and the Director of Human Resources and Labor Relations.

Action: This ordinance was moved to set for a public hearing.

11. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines and Penalties, Schedule II, Chapter 19 Parking Violations; together with a report from the City Solicitor.

Action: This ordinance was moved to set for a public hearing.

12. Resolution appropriating the sum of \$713,500 to supplement the underground fuel tank replacement (CIP #323) project and authorizing the issuance of bonds and notes in the aggregate amount of \$713,500 with \$351,700 General Capital Fund, \$180,900 Water Capital Fund and \$180,900 Sewer Capital Fund for this purpose; together with a report from the General Services Director.

Action: This resolution was moved to set for a public hearing.

13. Resolution modifying the Optional Veterans' Tax Credit for the City of Concord pursuant to the provisions of RSA 72:27-a; together with a report from the Director of Real Estate Assessments.

Action: This resolution was moved to set for a public hearing. Councilors Brown and Nyhan recused.

14. Resolution modifying the All Veterans' Tax Credit for the City of Concord pursuant to the provisions of RSA 72:28-a; together with a report from the Director of Real Estate Assessments.

Action: This resolution was moved to set for a public hearing. Councilors Brown and Nyhan recused.

From the City Manager

15. Positive Citizen Comments.

Action: The positive comments were received and filed.

Consent Reports

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,397.52, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

17. Diminimus gifts and donations report from the Police Department requesting authorization to accept funding from the US Department of Justice - Bulletproof Vest Partnership Program in the amount of \$6,712.50, designated to fund fifty-percent reimbursement of qualified ballistic vests purchased by the Department, as provided for under pre-authorization granted by the City Council.

Action: This consent report was approved. Councilor Brown recused.

18. Report from Deputy City Manager - Development and Director of Human Resources and Labor Relations concerning reorganization and reclassification of Health Inspectors within the Code Division of the Community Development Department.

Action: This consent report was approved.

19. Report from the Conservation Commission in response to a City Council referral requesting consideration be made to ban hunting on the Broken Ground Trails.

Action: This consent report was approved.

20. Report from the Tax Exemption Policy Committee on the 5-year impact of the Solar Energy Exemption.

Action: This consent report was approved.

Consent Resolutions

21. Resolution authorizing the City Manager to apply for up to \$1,000,000 of New Hampshire Community Development Finance Authority Community Center Investment Program Grant funds to support development of the new Penacook Branch Library and Community Center (CIP #650); together with a report from the Community Development Specialist and Deputy City Manager - Development.

Action: This consent resolution was approved.

22. Resolution authorizing the City Manager to enter into a Municipal Work Zone Agreement (MWZA) with the New Hampshire Department of Transportation (NHDOT) concerning proposed improvements to Interstate 89 and NH Route 13; together with a report from the Interim City Engineer.

Action: This consent resolution was approved.

23. Resolution authorizing the City Manager to apply for a grant in the amount of up to \$107,000 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of designing parking facilities and demolition of the existing terminal building for the proposed new airport terminal building; together with a report from the Interim City Engineer.

Action: This consent resolution was approved.

24. Resolution authorizing the City Manager to apply for a grant for up to \$328,000 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of designing a new Terminal Building at the Municipal Airport; together with a report from the Interim City Engineer.

Action: This consent resolution was approved.

Appointments

25. City Manager's Appointment to the Zoning Board of Adjustment: Brenda Perkins.

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

- 26A. Resolution authorizing the City Manager to enter into a lease agreement with United Therapeutics Corporation concerning Development Zone 3D at the Concord Municipal Airport; together with a report from the Interim Deputy City Manager - Community Development. (Supplemental report and revised lease submitted.)

Action: Deputy City Manager - Community Development Matt Walsh provided a brief overview of the proposed resolution which if approved would allow the City to enter into a lease agreement with United Therapeutics Corporation (UTC), a publicly traded biotechnology company. United Therapeutics seeks to develop a 35,000SF corporate aircraft hangar together with related parking, utility, and landscaping improvements. The proposed lease would be for a term of 20 years with options for four five-year renewals at a rate of \$0.35 per square foot. The lease rate increases 3% annually compounded. Rent excludes property taxes which will be paid by UTC in addition to the annual rent.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley declared the hearing closed.

- 26B. Resolution modifying the Elderly Exemption for the City of Concord pursuant to the provisions of RSA 72:27-a; together with a report from the Director of Real Estate Assessments.

Action: City Manager Aspell provided a brief overview on this item which if approved would increase the current elderly income and asset thresholds.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley declared the hearing closed.

26C. Report from the Director of Real Estate Assessments recommending the City Manager be authorized to enter into a Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for its hydroelectric facilities at the Rolfe Canal Falls, Penacook Upper Falls, and Penacook Lower Falls.

Action: City Manager Aspell provided a brief overview of this item which if approved, this agreement would be entered into for one year beginning April 1, 2023.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley declared the hearing closed.

26D. Report from the Director of Real Estate Assessments requesting the City Manager be authorized to renew the Voluntary Payment in Lieu of Taxes Agreement between Fellowship Housing Opportunities, Inc. and Affiliates and the City of Concord.

Action: City Manager Aspell provided a brief overview of this item which if approved, this agreement would be entered into for one year beginning April 1, 2023.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley declared the hearing closed.

26E. Resolution appropriating the sum of \$150,809.22 as a transfer to the Opioid Abatement Reserve and accepting the sum of \$150,809.22 in Opioid Litigation Settlement funds for this purpose; together with a report from the Deputy City Manager - Finance.

Action: City Manager Aspell provided a brief overview of this topic including the receipt of a letter from the New Hampshire Attorney General's Office regarding the Opioid Litigation Settlement Fund Distribution. As part of this settlement, the City is scheduled to receive its third payment in the amount of \$150,809.22.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley declared the hearing closed.

- 26F. Resolution appropriating the sum of \$34,000 in the Downtown Complete Streets Improvement project (CIP #460) to purchase concrete barriers to facilitate outdoor dining activities in on-street parking spaces and authorizing the use of \$34,000 from the Economic Development Reserve for this purpose; together with a report from the Interim Deputy City Manager - Development. (Supplemental report submitted.)

Action: City Manager Aspell provided a brief overview of this item including the layout for the participating food and beverage establishments as well as the installation of the concrete barriers.

Mayor Bouley opened the public hearing.

Roy Schweiker, a Concord resident, declared his opposition to the City spending its revenue to benefit a handful of downtown businesses.

There being no further public testimony, Mayor Bouley declared the hearing closed.

- 26G. Resolution accepting the terms of both a 2020 and a 2021 Critical Infrastructure/Water-related Catastrophe Equipment grant, appropriating the sum of \$25,000 in the Fire/NH Dept of Safety Grants and Donations project for the purchase of water rescue and related equipment, and accepting the sum of \$25,000 in NH Department of Safety State Homeland Security Program funding for this purpose; together with a report from the Fire Chief.

Action: City Manager Aspell provided a brief overview of this item and stated that the matching of funds is not required in order to be awarded the grant.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley declared the hearing closed.

Public Hearing Action

27. Resolution authorizing the City Manager to enter into a lease agreement with United Therapeutics Corporation concerning Development Zone 3D at the Concord Municipal Airport; together with a report from the Interim Deputy City Manager - Community Development. (Supplemental report and revised lease submitted.)

Action: Councilor Bouchard moved approval. The motion was duly seconded and passed with no dissenting votes.

28. Resolution modifying the Elderly Exemption for the City of Concord pursuant to the provisions of RSA 72:27-a; together with a report from the Director of Real Estate Assessments.

Action: Councilor Kretovic moved approval. The motion was duly seconded and passed with no dissenting votes.

29. Report from the Director of Real Estate Assessments recommending the City Manager be authorized to enter into a Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for its hydroelectric facilities at the Rolfe Canal Falls, Penacook Upper Falls, and Penacook Lower Falls.

Action: Councilor Grady-Sexton moved approval. The motion was duly seconded and passed with no dissenting votes.

30. Report from the Director of Real Estate Assessments requesting the City Manager be authorized to renew the Voluntary Payment in Lieu of Taxes Agreement between Fellowship Housing Opportunities, Inc. and Affiliates and the City of Concord.

Action: Councilor Kretovic moved approval. The motion was duly seconded and passed with no dissenting votes.

31. Resolution appropriating the sum of \$150,809.22 as a transfer to the Opioid Abatement Reserve and accepting the sum of \$150,809.22 in Opioid Litigation Settlement funds for this purpose; together with a report from the Deputy City Manager - Finance.

Action: Councilor Grady-Sexton moved approval. The motion was duly seconded and passed with no dissenting votes.

32. Resolution appropriating the sum of \$34,000 in the Downtown Complete Streets Improvement project (CIP #460) to purchase concrete barriers to facilitate outdoor dining activities in on-street parking spaces and authorizing the use of \$34,000 from the Economic Development Reserve for this purpose; together with a report from the Interim Deputy City Manager - Development. (Supplemental report submitted.)

Action: Councilor Nyhan moved approval.

Councilor Pierce noted that the selection of these barriers was necessitated by an accident in the previous year involving a truck and the water-filled barriers. Councilor Pierce added that the selection of barriers was regarded by that committee as more of a safety issue than decorative.

General discussion followed regarding a vision for Main Street as well as the installation of crash barrels.

Councilor Fennessy moved to amend the proposed resolution to make the installation of and expenditure for crash barrels discretionary rather than compulsory. Councilor Fennessy's motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan's motion to approve the resolution was duly seconded and passed with no dissenting votes.

33. Resolution accepting the terms of both a 2020 and a 2021 Critical Infrastructure/Water-related Catastrophe Equipment grant, appropriating the sum of \$25,000 in the Fire/NH Dept of Safety Grants and Donations project for the purchase of water rescue and related equipment, and accepting the sum of \$25,000 in NH Department of Safety State Homeland Security Program funding for this purpose; together with a report from the Fire Chief.

Action: Councilor Champlin moved approval. The motion was duly seconded and passed with no dissenting votes.

Reports

New Business

Mayor Bouley briefly reviewed the discussion at last month's City Council meeting regarding diversity and inclusivity. Next, Mayor Bouley dispersed a plan to members of City Council outlining a mission of promoting inclusivity and representation of all Concord residents with a plan for facilitated conversations regarding such topics.

Mayor Bouley noted the importance of an outside consultant in the facilitation of these conversations and the creation of a three-member steering committee to work with the outside consultant on the development of a plan which can be presented to Council.

General discussion followed regarding a timeline for acting upon Mayor Bouley's report.

In the plan dispersed to members of City Council, "belonging" was added to the title and the words "Concord citizens" was changed to "residents."

Councilor Nyhan moved approval of the report. The motion was duly seconded and passed with no dissenting votes.

Unfinished Business**Comments, Requests by Mayor, City Councilors**

Councilor Bouchard noted the Parks and Recreation Department has released its Spring brochure and is also hiring summer staff.

Councilor Nyhan noted that a hearing regarding a new solid waste contract was set for public hearing at the April 10, 2023 City Council meeting. Councilor Nyhan added that on March 21 at 4:30PM in City Council Chambers, the Solid Waste Advisory Committee will be holding a presentation about the proposed contract. A March 28 meeting at 4:30PM in City Council Chambers will be held where the Solid Waste Advisory Committee will be compiling a report to provide to Council regarding the proposed contract. Both meetings are opportunities for public input.

Councilor Fennessy announced a public meeting on the morning of April 1 at the Citywide Community Center regarding the Ad-Hoc Beaver Meadow Golf Course Building Committee. The time and details will be available later.

Councilor Fennessy also noted the passing of beloved Christa McAuliffe Elementary School kindergarten teacher Christine Holliday-Rowe and announced her services will be held Thursday, March 16 at Phaneuf Funeral Homes & Crematorium in Manchester. A GoFundMe in support of her family is available for contributions.

Councilor Brown noted the presence in the audience of Riyah Patel, a high school sophomore recently interviewed by New Hampshire Chronicle for her work tutoring new Americans. Councilor Brown also announced an event called Light Up Keach Park Program happening March 18 from 11:30AM - 2:00PM at Citywide Community Center.

Councilor Kretovic announced that on March 26 the City of Concord will be hosting the National Trust for Historic Preservation and Main Street America. The group will be touring Main Street and providing a panel for discussion.

Councilor Pierce expressed his excitement about the airport. He also discussed a previous community meeting held with developers. Lastly, he announced an opening in Ward 2 on the Recreation and Parks Advisory Committee.

Comments, Requests by the City Manager**Adjournment**

Action: At 8:11PM, there being no additional Council business, Councilor Champlin moved to adjourn. The motion was duly seconded and passed with no dissenting votes.

Information

Inf1 October 13, 2022 Airport Advisory Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf2 November 16, 2022 Community Development Advisory Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf3 December 6, 2022 Ad Hoc Outdoor Dining and Food Truck Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf4 January 5, 2023 Tax Exemption Policy Committee Approved Minutes.

Action: This Information item was received and filed.

Inf5 January 10, 2023 Ad Hoc Outdoor Dining and Food Truck Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf6 January 12, 2023 Facilities Naming Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf7 February 2, 2023 Tax Exemption Policy Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf8 February 6, 2023 Concord Public Library Board of Trustee Meeting Minutes.

Action: This Information item was received and filed.

Inf9 February 7, 2023 Rules Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf10 February 9, 2023 Golf Course Advisory Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf11 February 15, 2023 Utility Appeals Board Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf12 Communication from Comcast informing City Council about upcoming changes to service for their customers.

Action: This Information item was received and filed.

Inf13 Communication from Eversource regarding upcoming project within the power line corridor.

Action: This Information item was received and filed.

Inf14 Parks and Recreation Departments Spring Brochure.

Action: This Information item was received and filed.

Inf15 Informational update on Summer Employment within the Parks and Recreation Department from the Parks and Recreation Director.

Action: This Information item was received and filed.

A true copy, I attest:

*Elisabeth Harrington
Deputy City Clerk*